

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**MA LEG PARTNERS 1,**

**Plaintiff,**

**v.**

**CITY OF DALLAS**

**Defendants**

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**Civil Action No. 3:19-cv-00219-M**

**DEFENDANT CITY OF DALLAS'S MOTION TO DISMISS COMPLAINT FOR  
FAILURE TO STATE A CLAIM**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendant, City of Dallas (the "City"), files this motion to dismiss and respectfully shows the court as follows:

**No Claim is Stated**

Federal Rule of Civil Procedure 12(b)(6) authorizes dismissal of a complaint for failing to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6). All of Plaintiff's claims and causes of action against the City because Plaintiff fails to state a claim upon which relief can be granted.

**Brief in Support**

The City has filed a brief in support of this motion and it is incorporated by reference. For purposes of a motion under Fed. R. Civ. P. 12(b)(6), a court may consider documents attached to or incorporated in the complaint and matters of which judicial notice may be taken. *United States ex rel. Willard v. Humana Health Plan of Texas Inc.*, 336 F.3d 375, 379 (5th Cir. 2003). The brief in support of this motion references Plaintiff's Complaint and documents attached to Plaintiff's Complaint.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, the City requests that the Court grant in whole, or alternatively in part, its motion to dismiss for failure to state a claim.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY  
CITY OF DALLAS, TEXAS

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Interim City Attorney

s/ Charles A. Estee  
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**CERTIFICATE OF SERVICE**

I certify that on March 11, 2019, I electronically filed the foregoing document with the clerk of court for the United States District Court for the Northern District of Texas using the electronic case filing system of the court. The electronic case filing system sent a “Notice of Electronic Filing” to all counsel of record who have consented in writing to accept this Notice as service of this document by electronic means.

s/ Charles A. Estee  
CHARLES A. ESTEE